

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re: BEXTRA and CELEBREX

MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY LITIGATION

This document relates to *Kathie Stephens v. Pfizer, Inc.* USDC, Southern District of New York
Case No. 05CV7587

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MDL Docket No. 1699

Case No. CA: 3:05CV4748

HON. CHARLES R.
BREYER

STIPULATION AND ORDER OF PARTIAL DISMISSAL WITHOUT PREJUDICE

Plaintiff Kathie Stephens and Defendant Pfizer, Inc. ("Pfizer"), by their undersigned counsel, hereby stipulate to a dismissal of the above captioned claim without prejudice and with each party bearing its own costs, subject to the following conditions:

1. Plaintiff Kathie Stephens agrees that, in the event she re-files a lawsuit against Pfizer relating to her use of Celebrex, such lawsuit will be filed in MDL #1699 pending in the United States District Court for the Northern District of California;
2. Plaintiff Kathie Stephens further agrees that in the event she re-files such lawsuit, any discovery that has taken place or will take place in *In re Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation* (MDL 1699) that is not specific to a particular plaintiff, can be used in any such lawsuit re-filed by Plaintiff, as though Plaintiff had been a party and had an opportunity to participate in that discovery.

Plaintiff Kathie Stephens agrees to the above-stated conditions and wishes to dismiss her claims in the instant lawsuit without prejudice to re-filing. There are no counterclaims or third-party claims. Nothing in this stipulation shall constitute a waiver of any rights and defenses Pfizer may have in any litigation. Further, nothing in this stipulation will affect the rights and defenses of any party to this case not specifically named in this pleading.

WHEREFORE, the parties hereto stipulate to the dismissal of the claims of Plaintiff Kathie Stephens in the above-styled lawsuit without prejudice to re-filing, subject to the conditions stated above.

IT IS SO STIPULATED:

Dated: June 7, 2006


Seth A. Katz

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Dated: July 11, 2006


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Attorneys for Pfizer, Inc.

IT IS SO ORDERED:

DATED: July 17, 2006.

